

Before the  
**Federal Communications Commission**  
Washington, DC 20554

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In the matter of:

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON CENTURYLINK PETITION FOR LIMITED  
WAIVER OF CERTAIN HIGH-COST UNIVERSAL SERVICE RULES

WC Docket Nos. 10-90, 05-337

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DISPUTE OF WAIVER

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Dated: July 12, 2012

## SUMMARY

This is Casa Grande Internet's dispute of the petition that CenturyLink filed seeking authority to use CAF Phase I funds to deploy broadband to areas that, according to the National Broadband Map ("NBM"), are served by certain Wireless Internet Service Providers ("WISPs") but that, according to CenturyLink's data, those WISPs cannot fully serve.

Specifically we are disputing the following:

- The Coverage Area of Casa Grande Internet as depicted by the "NBM"
- Stringent "Data Caps"
- Scalability of Fixed Wireless
- The definition of what constitutes "Broadband" service
- Use of CAF Phase I funds to compete with WISP's currently operating in our rural community meeting requirements set by the FCC for CAF Phase I funds.

This dispute is not meant as a criticism of CenturyLink, merely that some of the information contained in the waiver petition is not factual in reference to our local market. We strongly feel that granting the waiver is not appropriate per the guidelines of the grant and that normal or special circumstances do not exist warranting the consideration for CAF Phase I funds in our coverage area.

## CONSIDERATIONS

Casa Grande Internet, from herein “CGI”, is a locally owned Internet Service Provider centrally located in Casa Grande, Arizona. CGI started out as strictly a wireline provider in early May 2000, providing circuits such as dialup, DSL, and T1. We incorporated another local company in 2002 offering services utilizing fixed wireless broadband as a provider and haven’t looked back since. We soon realized that wireless was an effective method to deploy rapid broadband communications to the local community. We have deployed high-speed broadband into many rural outlets not previously serviced by traditional wireline communication such as DSL or Cable, and that without the use of fixed wireless infrastructure would still be subserviced today. This is especially important in our community which is inundated with farm land and poor wireline communication because of the availability of circuits and the quality of the lines used to deliver those services.

Since first introducing fixed wireless broadband into the area, we have successfully branched out into several of the surrounding communities and maintain 15 operating towers in Casa Grande, Coolidge, Arizona City, Eloy, Maricopa, and Stanfield. Each tower has 6 to 12, 60 degree sectors capable of servicing 100+ subscribers per sector. Speeds between 512Kbps and 14Mbps are obtainable by each of the 100+ subscribers to an aggregate rate of no more than 45Mbps per sector. Each site, given tower height of 100ft from ground level and terrain, has a theoretical last mile range of 63,360 feet from the site base which means sectors facing sparsely populated areas can still be useful when providing broadband service to outlying rural areas not warranting a closer station. We currently have 2500+ subscribers utilizing fixed wireless broadband in the aforementioned areas and capacity for another 2500+ as demand increases.

CGI is a privately funded S corporation. Revenue from our diverse product structure has allowed us to expand our fixed wireless market, not government subsidies. Demand for service, realistic cost models, and good business decisions are what drive positive growth and expansion, not government subsidies. CGI believes that government subsidies **should not** be used for competitive broadband, wireline or wireless. They should only be used to provide broadband to those areas not truly able to be serviced by providers already operating in or around the un-serviced or under-serviced areas.

While CGI has a loyal customer base due to the exceptional level of service we provide, we do fear that further diluting the already saturated market with an ILEC receiving government subsidies could be detrimental to furthering our own expansion into new or underserved areas that CenturyLink refuses to serve **unless** they receive those subsidies. CGI believes that our tax dollars should not go to an incumbent carrier looking to compete for service in areas already serviced by fixed wireless broadband providers operating carrier class solutions that are approved by the FCC as being viable, cost effective methods of high-speed internet access.

## DISCUSSION

### *In regard to the coverage area for Casa Grande Internet defined by the NBM*

CGI does not feel the coverage area as depicted by the NBM is accurate and would like to submit its own internal coverage map to the FCC for review in conjunction with this dispute. This coverage map does not include subscriber locations, but only the fixed stations feeding those subscribers and the theoretical last mile range of those stations in conjunction with terrain features which may modify the stations useful range.

The maps used by CenturyLink from the NBM have not been verified by the State of Arizona or CenturyLink for the purposes of this waiver. If they had, the areas marked by CenturyLink as being “unserved” are in fact serviced by both CGI and several of its competitors.

See CGI Coverage Map at the end of this document

### *In regard to “Stringent Data Caps”*

CGI does not impose any “data caps” on its subscribers. Simply put we’ve adopted a “pay for what you get” policy meaning that we will not limit our subscriber’s amount of monthly transfer, only the rate at which you can transfer. Our Acceptable Use Policy clearly defines that we do not impose these “data caps” but retain sole discretion as to what quantifies as excessive use. Furthermore, many wireline providers in our community including CenturyLink and Cox Cable have adopted these “data caps”. It is quite likely as applications such as Netflix, and IPTV increase in popularity that you will see these “Data Caps” fall in line across the board between providers. CGI does not feel that for the purposes of this waiver CenturyLink should be able to define any providers standards or impose a standard of what qualifies as an acceptable “data cap”.

### *In regard to “Scalability of Fixed Wireless”*

At every leg of internet topology there is some form of capacity constraint. Fixed wireless broadband is no different than wireline forms of broadband in that the aggregate transfer may not exceed the rates imposed for the equipment used, or the size of the carrier circuit feeding that equipment. Do not blame the equipment for its operators. It is the duty of the provider to monitor subscriber use and upgrade or add resource as needed. As experienced DSL and fixed wireless broadband providers we can easily argue that point.

As sustained transfers increased due to video streaming and applications like Netflix and IPTV, the demand for bandwidth increased. DSLAMs and fixed wireless towers fed by large circuits like OC3 or OC12 soon had to be upgraded to provide additional bandwidth to each access-point, rack, or shelf. Particularly with ADSL, I watched DSLAMs go from an OC3 or OC12 per rack, to an OC3 per shelf, and ultimately as advancements in technology allowed to FTTN 100GB/s ISAMs. CGI’s own technicians had to upgrade circuits feeding towers, add several additional access-points and adjacent frequency bands to tower sites to accommodate service demand of subscribers in densely populated areas but, we did it. Demand changed, and we accommodated our subscribers’ needs without any “fundamental problems” or “congested resources”.

Fundamentally all forms of broadband, Cable, DSL, Fixed Wireless, and Mobile Broadband, suffer from the same constraints – resource to and from the subscriber. CGI believes it is unfair and inaccurate for CenturyLink to group WISPs into a category basically saying that they are destined to fail because we “lack the capacity to accommodate significant increases in traffic to our customers within our service area”, because we can and have.

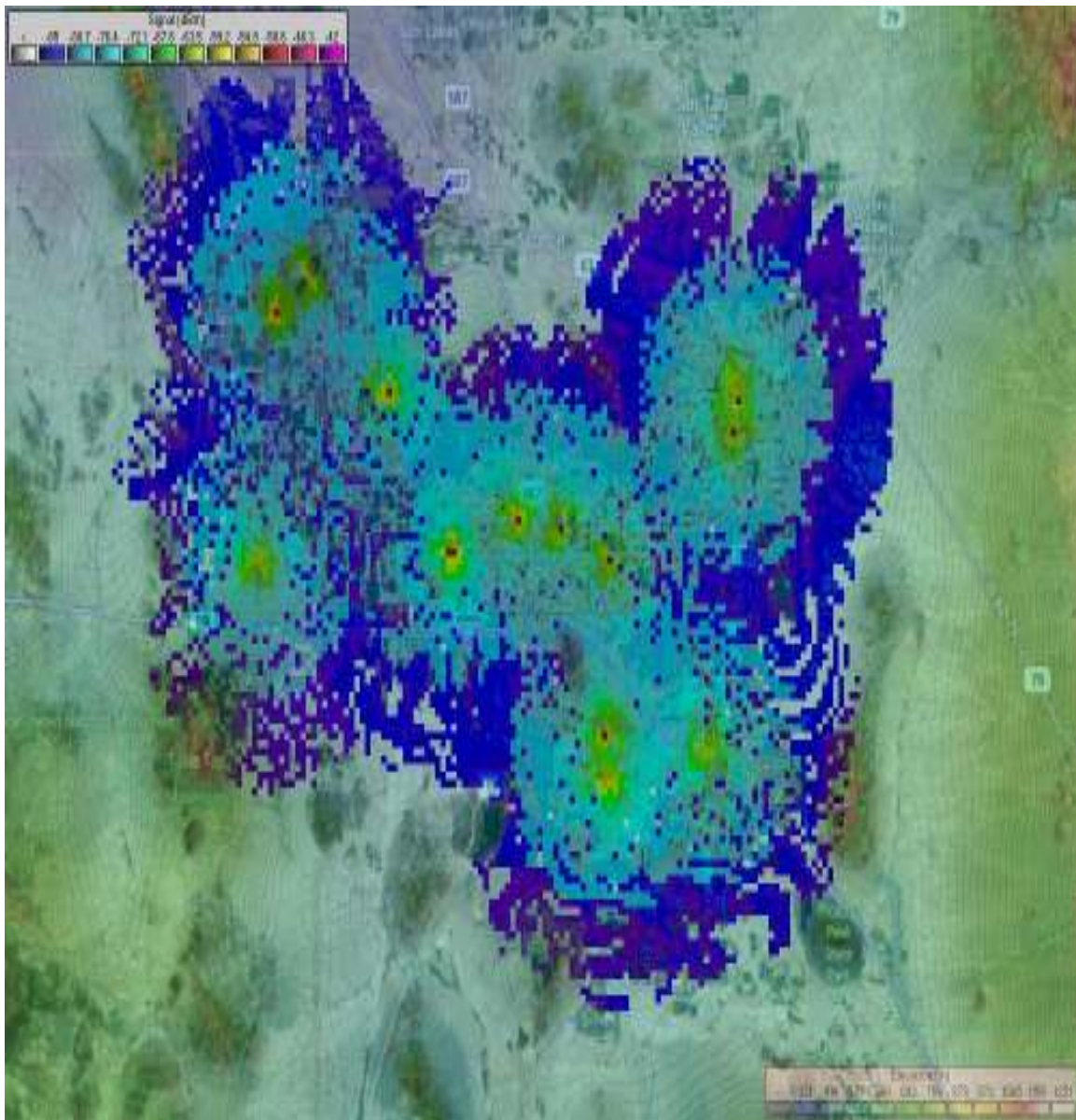
### *In regard to the definition of “Broadband”*

The FCC defines the national standard for broadband service as any transfer rate in excess of 200Kbps. At a minimum, most fixed wireless providers qualify at 2 times the defined national standard for a broadband connection.

For the purposes of CAF Phase I funding the FCC requires a minimum of 4Mbps downstream and 1Mbps upstream to be eligible. This effectively changes the description of what constitutes broadband access for providers for the purposes of the order.

CGI meets and exceeds the qualifications set for the national standard and CAF Phase I funding in all service areas and does not believe that CenturyLink evidence provides reasonable proof that those areas are not covered by CGI per the standards set forth in the order. CGI does not feel that CenturyLink should be able to define what qualifies as broadband unless the industry and FCC are willing to change the definition and service requirements.

CGI Coverage Map



## CONCLUSION

CenturyLink's petition should be denied in our areas of coverage.

Signed,

A handwritten signature in black ink, appearing to read 'J. Lenninger', with 'CTO' written to the right.

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A handwritten signature in black ink, appearing to read 'Janet A. Walker', with 'CEO' written to the right.

Janet A. Walker  
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Dated: July 12, 2012